



**WASHINGTON STATE  
DEPARTMENT  
OF  
FISH & WILDLIFE**  
Sound Stewardship of Fish & Wildlife

**2002  
LEGISLATIVE  
IMPLEMENTATION  
PLAN**

The Department of Fish and Wildlife is an equal opportunity agency and does not discriminate on the basis of race, creed, color, disability, age, religion, national origin, sex, marital status, disabled veteran's status, Vietnam Era Veteran status or sexual orientation.

# LEGISLATIVE IMPLEMENTATION PLAN

May 2002

PREPARED BY

Legislative Affairs Office  
Washington State  
Department of Fish & Wildlife  
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**STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE  
2002 LEGISLATIVE IMPLEMENT PLAN**

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# ENACTING THE CIVIL SERVICE REFORM ACT OF 2002

## *Substitute House Bill 1268*

### **BACKGROUND**

#### I. Civil Service

The Washington Personnel Resources Board (WPRB) is responsible for passing civil service rules regarding:

- classification of all state positions;
- exams;
- certification of names for vacancies from the seven people that have the highest score on the eligibility list (the "Rule of 7");
- suspensions, demotions, dismissals, transfers, hours of work, sick leave, vacation; and
- layoff criteria - layoffs must be by seniority.

Employees of institutions of higher education may "opt out" of the civil service rules and instead have their employment governed exclusively by a collective bargaining agreement.

The Department of Personnel (DOP) is responsible for administering the civil service system. The DOP must conduct periodic salary and fringe benefit surveys. The surveys are subject to certain deadlines and

the DOP must furnish specific supporting documents along with the surveys.

The Personnel Appeals Board (PAB) has the jurisdiction to decide appeals in most personnel actions, including dismissals, demotions, allocation of positions, and violations of civil service rules.

#### II. Contracting Out

Due to a 1978 decision of the Washington State Supreme Court, agencies and institutions of higher education may not contract out for services regularly and historically provided by classified state employees. The Legislature responded the following year by clarifying that agencies and institutions of higher education may purchase services by contract if the services were regularly purchased by contract prior to 1979. However, a contract may not be executed or renewed if it would have the effect of terminating classified state employees.

#### III. Collective Bargaining

Collective bargaining for classified state employees is governed by the WPRB rules and administered by the DOP. Classified state employees have the right to bargain

over grievance procedures and over personnel matters over which the agency or institution may lawfully exercise discretion. Agencies and institutions of higher education may not exercise discretion over subjects covered by statute or by the WPRB rules, including recruitment, hiring, discipline, sick leave, vacations, and wages.

Bargaining units are determined by the WPRB rules. Supervisors and non-supervisors may be in the same unit. The WPRB conducts elections and certifies exclusive bargaining representatives. The Washington Management Service (WMS) is governed under the DOP rules separate from the rules governing other classified employees.

Bargaining units bargain with their employing agency or institution of higher education. The civil service law does not grant classified state employees the right to strike. The DOP mediates disputes and the WPRB conducts impasse arbitration. Employees in a bargaining unit may be required to pay periodic dues if a majority of the employees in the bargaining unit vote for union security.

## **SUMMARY**

### I. Civil Service

Effective July 1, 2004, the authority to adopt civil service rules, including rules pertaining to job classifications and layoff criteria, are transferred from the WPRB to the DOP. Certain rules, including rules pertaining to discipline, leave, and hours of work, may be superseded by collective bargaining agreements. The "Rule of 7" and layoffs by seniority are no longer required. Institutions of higher education may locally administer the rules adopted by the DOP.

The WPRB must review the current classification system and adopt new classifications by March 15, 2004. The DOP must begin to implement the new classification system by January 1, 2005. Employees of institutions of higher education may not "opt out" of the civil service rules after July 1, 2003, and the "opt out" provisions are repealed July 1, 2005.

The specific requirements for salary and fringe benefit surveys are removed. However, the DOP must still conduct the surveys. Personnel appeals filed after June 30, 2005, shall be referred to the WPRB because on July 1, 2006, the PAB is abolished, and its powers, duties, and functions are transferred to the WPRB.

### II. Contracting Out:

A state agency or institution of higher education may contract out for services, including services traditionally and historically provided by state employees, if:

- the contract contains performance measures;
- classified employees are allowed to provide alternative solutions to purchasing the services by contract, and, in the event those solutions are not approved, bid for the contract using competitive bidding procedures;
- the contract contains provisions requiring the contracting entity to consider employing displaced classified employees;
- the agency or institution has established contract monitoring and termination procedures; and
- the agency or institution has shown that the contract would lead to savings or

efficiencies, taking into account the possibility of improper performance.

The following competitive bidding procedures are specified:

- the agency or institution must inform the affected classified employees 90 days prior to sending out bids for contracts; the employees then have 60 days to offer alternatives to purchasing the services by contract;
- employees must inform the agency or institution if they intend to submit a bid;
- the DOP and the Department of General Administration (GA) must provide training in the bidding process and in bid preparation;
- the GA must establish procedures to ensure that bids are submitted and evaluated fairly, and that there exists a competitive market for the service;
- the employees' bid must contain the full cost of providing the service; and
- the agency or institution may contract with the GA to perform the bidding process.

If employees decide to compete for the contract, they must form an employee business unit to submit the bid. An employee business unit is defined as a group of employees who performs services to be contracted, and who submits a competitive bid for the performance of those services. The Joint Legislative Audit and Review Committee must conduct a performance audit to evaluate the effectiveness of contracting out by January 1, 2007.

### III. Collective Bargaining

Effective July 1, 2004, collective bargaining will be administered by the Public

Employment Relations Commission (PERC). The PERC must determine representation issues, determine appropriate bargaining units, administer elections for exclusive bargaining representatives, process and adjudicate disputes that arise from the elections, and certify exclusive bargaining representatives. For purposes of negotiating collective bargaining agreements, the agency employer is represented by the Governor, except for institutions of higher education, which may be represented by either their governing boards or the Governor. Existing bargaining units and exclusive bargaining representatives are "grandfathered." Members of the WMS may not be included in a collective bargaining unit.

If an exclusive bargaining representative represents more than one bargaining unit, it must negotiate one master collective bargaining agreement covering all of the bargaining units it represents. Except for higher education employees, exclusive bargaining representatives representing fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all employees represented. If the parties fail to reach an agreement during negotiations, either party may initiate mediation. If no agreement is reached within 100 days of the expiration of the previous agreement, the PERC must appoint an independent fact-finder.

When negotiating collective bargaining agreements, the Governor must consult with the new Joint Select Committee on Employee Relations. Once an agreement is reached, the Governor must submit a funding request to the Legislature, which the Legislature must accept or reject as a whole.

If a significant revenue shortfall occurs, modifications to the agreements must be negotiated. The terms of an expired collective bargaining agreement remain in effect until a new agreement is negotiated, not to exceed one year. After one year, the employer may unilaterally implement according to law.

The matters subject to bargaining include wages, hours, and terms and conditions of employment. Employers are not required to, but may, bargain over health care benefits or other employee insurance benefits, any retirement system or retirement benefits, and certain civil service rules regarding examinations, appointments, job classifications and affirmative action. Bargaining over management rights is prohibited. Bargaining over health care dollar amounts must be conducted in one statewide coalition. Except for institutions of higher education, this is also true for the number of names to be certified for vacancies and promotional preferences.

A provision of a collective bargaining agreement that conflicts with a statute is invalid and unenforceable. However, if a provision of a collective bargaining agreement conflicts with an executive order, administrative rule or agency policy relating to wages, hours and terms, and conditions of employment, the collective bargaining agreement prevails. Collective bargaining that affects the state's right to contract out for services is not prohibited. The right to strike is not granted.

Collective bargaining agreements may contain a union security provision requiring employees to pay agency shop fees as a condition of employment. Employees who assert the right of non-association based on

religious beliefs may pay the fee to the employee organization for a program within the organization that is in harmony with the employee's conscience.

## **RESOURCE IMPACTS**

This bill potentially impacts 4.0 FTEs from the Department of Fish and Wildlife's (WDFW) Personnel Office. Personnel staff will:

- modify some of the existing bargaining unit descriptions to align with the intent of the bill;
- analyze whether or not some WMS positions/employees should return to general service and implement as needed;
- monitor the progress and impact analysis of the master agreement negotiations; and
- negotiate summary agreements that will cover the bargaining unit working conditions, as needed.

Negotiation of supplementary agreements will impact staff at the Program/Division level, as well.

## **FUNDING IMPACTS**

There will be a direct impact on WDFW funding with the additional expectations and workload placed on existing Department staff.

## **FUNDING SOURCE**

There is no additional funding appropriated by the Legislature to the Department to implement this bill.

## COMMITTEES CREATED

WDFW's Labor Relations Manager is a permanent member of the Labor Relations Roundtable group that is currently analyzing the impacts of this bill. The group is working independently, and has not been formally asked to form a committee.

## WORK PLAN

- Labor Relations Roundtable group Goals: provide input, gain information and knowledge, and attempt to ensure that agency has a voice at policy level.
- Read and analyze the applicable provisions of statute that apply to the Public Employee Relations Commission, which will be the new system covering labor relations issues. Initial efforts involve: familiarization with Union Labor Practices (ULP's), bargaining unit descriptions and modifications, etc.
- Assess how the language of the bill will directly impact some of the existing bargaining units within the WDFW.

## TIMETABLE

There are numerous issues, many of which we will be involved in either directly or through statewide committee work, but some of the more significant actions and effective dates are as follows:

### July 1, 2002

PERC gets rule making for bargaining unit and certification/ decertification; bargaining unit determinations and modifications to PERC.

PRB review of classification rules begin.

### July 1, 2003

PRB review of classification rules completed.

Collective bargaining parties to meet regarding payroll system impact issues and to identify coalition bargaining issues for first round of bargaining.

### March 15, 2004

PRB adopts new classification rules.

### July 1, 2004

Director of DOP gets PRB's old authority to adopt rules and other miscellaneous authority; some of the Merit System Rules (MSR's) not subject to bargaining, some MSR's are subject to bargaining.

Collective bargaining begins no later than this date.

Full jurisdiction of labor relations to PERC; transfer of DOP Labor Relations powers to PERC (except old mediations, arbitrations and ULP's).

### July 1, 2005

New classification system implemented.

Contracting out provisions apply.

All discipline appeal provisions formerly under jurisdiction of the PAB go to the PRB (except for what is covered under collective bargaining agreements).

First new collective bargaining agreements effective.

### July 1, 2006

PAB abolished, staff transferred to DOP.

## LEGISLATIVE REPORTS

DOP is the lead agency on this bill and will  
~~be providing regular reports to the~~  
Legislature.

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## WDFW STAFF CONTACT

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## FINAL BILL REPORT SHB 1268

### PARTIAL VETO C 354 L 02 Synopsis as Enacted

**Brief Description:** Enacting the civil service reform act of 2002.

**Sponsors:** By House Committee on State Government (originally sponsored by Representatives Romero, Campbell, Conway, Kenney, Kessler, Hurst, Keiser, Simpson, Ogden, Lovick, McIntire, Ruderman, O'Brien, Schual-Berke, Poulsen, Kagi, Cody, Edmonds, Wood and Haigh; by request of Governor Locke).

**House Committee on State Government**  
**House Committee on Appropriations**  
**Senate Committee on Labor, Commerce & Financial Institutions**  
**Senate Committee on Ways & Means**

**Background:**

I. Civil Service:

The Washington Personnel Resources Board (WPRB) is responsible for adopting civil service rules regarding:

- classification of all state positions;
- exams;
- certification of names for vacancies using the seven people that have the highest score on the eligibility list (the "Rule of 7");
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Employees of institutions of higher education may "opt out" of the civil service rules and instead have their employment governed exclusively by a collective bargaining agreement.

The Department of Personnel (DOP) is responsible for administering the civil service system. The DOP must conduct periodic salary and fringe benefit surveys. The surveys are subject to certain deadlines and the DOP must furnish specific supporting documents along with the surveys. The Washington Management Service (WMS) is governed under the DOP rules separate from the rules governing other classified employees.

The Personnel Appeals Board (PAB) has jurisdiction to decide appeals in most personnel actions, including dismissals, demotions, allocation of positions, and violations of civil service rules.

II. Contracting Out:

Because of a 1978 decision of the Washington Supreme Court, agencies and institutions of higher education may not contract out for services regularly and historically provided by classified state employees. The Legislature responded the

year after the decision by clarifying that agencies and institutions of higher education may purchase services by contract if the services were regularly purchased by contract prior to 1979. However, a contract may not be executed or renewed if it would have the effect of terminating classified state employees.

### III. Collective Bargaining:

Collective bargaining for classified state employees is governed by the WPRB rules and administered by the DOP. Classified state employees have the right to bargain over grievance procedures and over personnel matters over which the agency or institution may lawfully exercise discretion. Agencies and institutions of higher education may not exercise discretion over subjects covered by statute or by the WPRB rules, including recruitment, hiring, discipline, sick leave, vacations, and wages.

Bargaining units are determined by the WPRB rules. Supervisors and non-supervisors may be in the same unit. The WPRB conducts elections and certifies exclusive bargaining representatives.

Bargaining units bargain with their employing agency or institution of higher education. The civil service law does not grant classified state employees the right to strike. The DOP mediates disputes and the WPRB conducts impasse arbitration. Employees in a bargaining unit may be required to pay periodic dues if a majority of the employees in the bargaining unit vote for union security.

## **Summary:**

### **I. Civil Service:**

Effective July 1, 2004, the authority to adopt civil service rules, including rules pertaining to job classifications and layoff criteria, are transferred from the WPRB to the DOP. Certain rules, including rules pertaining to discipline, leave, and hours of work, may be superseded by collective bargaining agreements. The "Rule of 7" and layoffs by seniority are no longer required. Institutions of higher education may locally administer the rules adopted by the DOP.

The WPRB must review the current classification system and adopt new classifications by March 15, 2004. The DOP must begin to implement the new classification system by January 1, 2005. Employees of institutions of higher education may not "opt out" of the civil service rules after July 1, 2003, and the "opt out" provisions are repealed July 1, 2005.

The specific requirements for salary and fringe benefit surveys are removed. However, the DOP must still conduct the surveys. On July 1, 2006, the PAB is abolished, and its powers, duties, and functions are transferred to the WPRB. Personnel appeals filed after June 30, 2005, must be to the WPRB.

### **II. Contracting Out:**

A state agency or institution of higher education may contract out for services, including services traditionally and historically provided by state employees, if the following are met:

- The contract contains performance measures.
- Classified employees are allowed to provide alternative solutions to purchasing the services by contract, and, in the event those solutions are not approved, bid for the contract using competitive bidding procedures.
- The contract contains provisions requiring the contracting entity to consider employing displaced classified employees.
- The agency or institution has established contract monitoring and termination procedures.
- The agency or institution has demonstrated that the contract would lead to savings or efficiencies, taking into account the possibility of improper performance.

The following competitive bidding procedures are specified:

- The agency or institution must inform the affected classified employees 90 days prior to sending out bids for contracts; the employees then have 60 days to offer alternatives to purchasing the services by contract.
- Employees must inform the agency or institution if they intend to submit a bid.

- The DOP and the Department of General Administration (GA) must provide training in the bidding process and in bid preparation.
- The GA must establish procedures to ensure that bids are submitted and evaluated fairly, and that there exists a competitive market for the service.
- The employees' bid must contain the full cost of providing the service.
- The agency or institution may contract with the GA to perform the bidding process.

If employees decide to compete for the contract, they must form an employee business unit to submit the bid. An employee business unit is defined as a group of employees who performs services to be contracted, and who submits a competitive bid for the performance of those services.

Contracts that were authorized by law prior to the effective date of the act, including contracts and agreements between public entities, and contracts expressly mandated by the Legislature are not subject to the new criteria and requirements for contracting out. The Joint Legislative Audit and Review Committee must conduct a performance audit to evaluate the effectiveness of contracting out by January 1, 2007.

### III. Collective Bargaining:

Effective July 1, 2004, collective bargaining will be administered by the Public Employment Relations Commission (PERC). The PERC must determine representation issues, determine appropriate bargaining units, administer elections for exclusive bargaining representatives, process and adjudicate disputes that arise from the elections or unfair labor practices, and certify exclusive bargaining representatives. For purposes of negotiating collective bargaining agreements, the agency employer is represented by the Governor, except for institutions of higher education, which may be represented by either their governing boards or the Governor. Existing bargaining units and exclusive bargaining representatives are "grandfathered." Members of the WMS may not be included in a collective bargaining unit.

If an exclusive bargaining representative represents more than one bargaining unit, it must negotiate one master collective bargaining agreement covering all of the bargaining units it represents. Except for higher education employees, exclusive bargaining representatives representing fewer than 500 employees must bargain in one coalition. The coalition must bargain for a master collective bargaining agreement covering all employees represented. If the parties fail to reach an agreement during negotiations, either party may initiate mediation. If no agreement is reached within 100 days of the expiration of the previous agreement, the PERC must appoint an independent fact-finder.

When negotiating collective bargaining agreements, the Governor must consult with the new Joint Select Committee on Employee Relations. Collective bargaining agreements may not exceed one fiscal biennium, must be submitted to the Office of

Financial Management by October 1, and must be submitted to the Legislature as part of the Governor's budget proposal. The Legislature must accept or reject the request for funds necessary to implement the agreements as a whole. If a significant revenue shortfall occurs, as declared by either the Governor or the Legislature, modifications to the agreements must be negotiated. The terms of an expired collective bargaining agreement remain in effect until a new agreement is negotiated, not to exceed one year. After one year, the employer may unilaterally implement according to law.

The matters subject to bargaining include wages, hours, and terms and conditions of employment. Employers are not required to, but may, bargain over health care benefits or other employee insurance benefits, any retirement system or retirement benefits, and certain civil service rules regarding examinations, appointments, job classifications and affirmative action. The parties are prohibited from bargaining over management rights, which include, but are not limited to, powers and duties established by statute or the state constitution, the functions and programs of the employer, the use of technology, the structure of the organization, the employer's budget, the size of the agency work force, the right to direct and supervise employees, and retirement plans and benefits. Bargaining over health care dollar amounts must be conducted in one statewide coalition. Except for institutions of higher education, this is also true for the number of names to be certified for vacancies and promotional preferences.

A provision of a collective bargaining agreement that conflicts with a statute is invalid and unenforceable. However, if a provision of a collective bargaining agreement conflicts with an executive order, administrative rule or agency policy relating to wages, hours and terms, and conditions of employment, the collective bargaining agreement prevails. Collective bargaining that affects the state's right to contract out for services is not prohibited. The right to strike is not granted.

Collective bargaining agreements may contain a union security provision requiring employees to pay agency shop fees as a condition of employment. Employees who assert the right of non-association based on religious beliefs may pay the fee to the employee organization for a program within the organization that is in harmony with the employee's conscience.

**Votes on Final Passage:**

House 54 43  
Senate 29 19 (Senate amended)  
House 56 40 (House concurred)

**Effective:** June 13, 2002  
July 1, 2004 (Sections 203, 204, 213-223, 227, 229-231, 241, 243, 246,  
248, 301-307, 309-316, 318, 319, 402)  
March 15, 2005 (Section 224)  
July 1, 2005 (Sections 208, 234-238, 403)  
July 1, 2006 (Sections 225, 226, 233, 404)

**Partial Veto Summary:** The Governor vetoed a provision of law that was repealed in another bill.

## Roll Calls on Bill 1268 (2001-02)

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Brief Description: Enacting the civil service reform act of 2001.

**Revised for 1st Substitute:** Enacting the personnel system reform act of 2002.

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 113 ARMSTRONG PG 14 LN 24  
Item No.: 31  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 089 CHANDLER, B. PG 15 LN 35  
Item No.: 32  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 47    Nays: 51    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlín, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 090 MULLIKEN PG 17 LN 24  
Item No.: 33  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber:                    HOUSE  
Bill No.:                    SHB 1268  
Description:                091 BENSON PG 65 LN 15  
Item No.:                    34  
Transcript No.:            31  
Date:                        02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-

Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

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Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 092 SEHLIN PG 65 LN 15  
Item No.: 35  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 109 SCHMIDT, D. PG 65 LN 30  
Item No.: 36  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 093 MCMORRIS PG 65 LN 30  
Item No.: 37  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 47    Nays: 51    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber:                    HOUSE  
Bill No.:                    SHB 1268  
Description:                096 BOLDT PG 67 LN 37  
Item No.:                    38  
Transcript No.:            31  
Date:                        02-13-2002

Yeas: 47    Nays: 51    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris,

Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 084 BALLASIOTES PG 69 LN 25  
Item No.: 39  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 098 ANDERSON PG 73 LN 30  
Item No.: 40  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 099 COX PG 80 LN 31  
Item No.: 41  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 47    Nays: 51    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber:                    HOUSE  
Bill No.:                    SHB 1268  
Description:                110 BENSON PG 80 LN 31  
Item No.:                    42  
Transcript No.:            31  
Date:                        02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien,

Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 114 CAIRNES PG 80 LN 33  
Item No.: 43  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 100 CHANDLER, B. PG 81 LN 22  
Item No.: 44  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 48    Nays: 50    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: 112 MCMORRIS STRIKER  
Item No.: 45  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 47    Nays: 51    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlín, Skinner, Sump, Talcott, Van Luven, Woods

Voting nay: Representatives Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, and Mr. Speaker

### 2002 Regular Session

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Chamber:            HOUSE  
Bill No.:            SHB 1268  
Description:        FINAL PASSAGE  
Item No.:            46  
Transcript No.:    31  
Date:                02-13-2002

Yeas: 54    Nays: 43    Absent: 00    Excused: 01

Voting yea: Representatives Alexander, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Jarrett, Lisk, Mastin,

McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Woods

Excused: Representative Edwards

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**2002 Regular Session**

Chamber: SENATE  
Bill No.: SHB 1268  
Description: 3RD READING & FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 41  
Transcript No.: 54  
Date: 03-08-2002

Yeas: 29    Nays: 19    Absent: 00    Excused: 01

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley

Voting nay: Senators Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, West, Zarelli

Excused: Senator Sheldon, T.

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: SHB 1268  
Description: FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 24  
Transcript No.: 57  
Date: 03-11-2002

Yeas: 56    Nays: 40    Absent: 00    Excused: 02

Voting yea: Representatives Alexander, Berkey, Cairnes, Campbell, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Van Luven, Veloria, Wood, and Mr. Speaker

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Carrell, Casada, Chandler, Clements, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Hankins, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Nixon, Orcutt, Pearson, Pflug, Roach, Schindler, Schoesler, Sehlin, Skinner, Sump, Talcott, Woods

Excused: Representatives Lisk, Schmidt

# **DIRECT RETAIL LICENSE FOR COMMERCIAL FISHERS**

*Engrossed Substitute House Bill 2323*

## **BACKGROUND**

Individuals possessing a Washington commercial fishing license are only allowed to sell their catch or harvest to a licensed wholesale fish dealer. Commercial fishers wishing to sell their catch to someone other than a licensed wholesale fish dealer must obtain a wholesale fish dealer's license from the Department of Fish and Wildlife (WDFW).

A wholesale license is required for any business engaging in the commercial processing of food fish or shellfish; any business engaging in the buying, selling, or brokering of food fish or shellfish; any business commercially manufacturing byproducts of food fish or shellfish; and any commercial fisher selling his or her catch or harvest to someone other than a licensed wholesale dealer. Wholesale dealers are responsible for documenting the commercial harvest of food fish and shellfish.

WDFW is required by statute to charge \$250 for an annual wholesale fish dealers license, and to require that the applicant execute a surety bond for between \$2,000 and \$50,000. The bond must be executed

in favor of WDFW, and is conditioned upon compliance with the rules of the department relating to accounting for the commercial harvest of food fish and shellfish.

In addition to the wholesale fish dealer license, any commercial fisher wishing to sell his or her catch directly to the retail market must also comply with all local health permitting and licensing requirements

## **SUMMARY**

WDFW is required to offer the direct retail endorsement. This endorsement serves as the single license necessary to permit the holder of a commercial fishing license to clean, dress, and sell his or her salmon or crab catch or harvest directly to the retail market. The direct retail license is offered as an addition to an underlying commercial fishing license, but it may not be transferred or assigned with the underlying license. Only one direct retail endorsement is necessary even for fishers owning multiple qualifying commercial fishing licenses. The holder of the endorsement is responsible for documenting the commercial harvest of

salmon and crab pursuant to wholesale fish dealer rules. WDFW may charge a reasonable fee to administer the program.

Prior to issuing a direct retail endorsement, WDFW must receive from the applicant a letter from a local health department that the individual is in compliance.

## RESOURCE IMPACTS

WDFW may be forced to execute much more restrictive commercial fisheries if the biological data that provides essential information for modeling harvest plans and developing population parameter estimates becomes less reliable.

## FUNDING IMPACTS

Significant rule creation and amendments will be required to minimize the negative potential effects of salmon and crab product tracking i.e., undocumented catch and inadequate biological sampling. The cost of rule development will be an impact. Different consequences of the rule making will have differing levels of impact, for instance: 1) a phone hail out/hail in system with a toll free number; 2) cell phones for samplers to be directed on short notice from a hailing system; (3) floating platforms or dock space where fishers with wholesale dealer license or direct retail endorsement may be required to land to have their catch sampled; 4) increased sampling costs for extra personnel or over-time if other measures aren't deemed adequate; and (5) likely the increases in enforcement needs as this section tries to

track the potentially increasing undocumented catches.

## FUNDING SOURCE

No additional appropriations were provided by the legislature. Redirect of existing workload and supporting funds will be necessary to implement.

## COMMITTEES CREATED

None.

## WORK PLAN

Scoping sessions required to identify the rules needed will need to occur almost immediately if rules are to be in place by July 1, 2002 as both crabbing and salmon fisheries will be on-going at the time. Section 2 (2) of the bill states the endorsement must be offered at the time of application for the qualifying commercial license and that individuals with a qualifying commercial license may add a direct retail endorsement to their qualifying license at the time they renew their commercial license. One could easily interpret the law to say that direct retail sale endorsements are only issued when a qualifying license is purchased, transferred, or renewed. In that case, the number of individuals utilizing this in 2002 could be much reduced in potential number if the department chooses to enforce the bill language. An alternative is to deal with emergent issues by emergency rule until such time as WDFW

gets a better picture of the scope and size of the issues. Scoping can still begin, but on a longer time table for implementation as there are a number of issues that overlap into other rules on duties of wholesale buyers and other record keeping issues.

Phone: (360) 902-2453  
Email: ["hawlefh@dfw.wa.gov"](mailto:hawlefh@dfw.wa.gov)

## **TIMETABLE**

The bill becomes effective July 1, 2002. Rules will be needed to govern these new and existing fisher/seller scenarios. The agency can exercise a number of different options to meet the emergent: 1) choose to use an expedited rule process to implement the new requirements which would side step the Fish and Wildlife Commission; or 2) take the rule process through the Commission on a delayed implementation schedule and use the emergency rule process in the interim as issues sort themselves out.

## **LEGISLATIVE REPORTS**

None required.

## **WDFW STAFF CONTACT**

Morris Barker, Marine Resource Manager  
Fish Program  
Phone: (360) 902-2826  
Email: ["barkemwb@dfw.wa.gov"](mailto:barkemwb@dfw.wa.gov)

Frank J. Hawley, Division Manager  
Licensing - Business Services Program

# FINAL BILL REPORT

## ESHB 2323

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### Synopsis as Enacted

**Brief Description:** Creating the direct retail license for commercial fishers.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Hatfield, Buck, Doumit and Linville).

**House Committee on Natural Resources**

**House Committee on Appropriations**

**Senate Committee on Natural Resources, Parks & Shorelines**

**Senate Committee on Ways & Means**

#### **Background:**

Individuals possessing a Washington commercial fishing license are allowed to sell their catch or harvest only to a licensed wholesale fish dealer. Commercial fishers wishing to sell their catch to someone other than a licensed wholesale fish dealer must obtain a wholesale fish dealer's license from the Department of Fish and Wildlife.

A wholesale license is required for any business engaging in the commercial processing of food fish or shellfish; any business engaging in the buying, selling, or brokering of food fish or shellfish; any business commercially manufacturing byproducts of food fish or shellfish; and any commercial fisher selling his or her catch or harvest to someone other than a licensed wholesale dealer. Wholesale dealers are responsible for documenting the commercial harvest of food fish and shellfish.

The department is required by statute to charge \$250 for an annual wholesale fish dealers license and to require that the applicant execute a surety bond for between \$2,000 and \$50,000. The bond must be executed in favor of the department and is

conditioned upon compliance with the rules of the department relating to accounting for the commercial harvest of food fish and shellfish.

In addition to the wholesale fish dealers license, any commercial fisher wishing to sell his or her catch directly to the retail market must also comply with all local health permitting and licensing requirements.

### **Summary:**

The Department of Fish and Wildlife is required to offer a direct retail endorsement. This endorsement serves as the single license necessary to permit the holder of a commercial fishing license to clean, dress, and sell his or her salmon or crab harvest directly to the retail market. The direct retail endorsement is offered as an addition to an underlying commercial fishing license, but it may not be transferred or assigned with the underlying license. Only one direct retail endorsement is necessary even if a fisher owns multiple commercial fishing licenses. The holder of the endorsement is responsible for documenting the commercial harvest of salmon and crab pursuant to wholesale fish dealer rules. The department may charge a reasonable fee to administer the direct retail endorsement.

Prior to issuing a direct retail endorsement, the department must receive from the applicant a letter from a local health department concerning whether the individual is in compliance with the health standards of that community and has paid any inspection fees, whether the individual is in compliance with any standards developed by the Board of Health, and whether the individual is in possession of a valid food handlers card.

Counties and cities are prohibited from passing ordinances that require licenses or permits in addition to the direct retail endorsement for the retail sale of salmon and crab by licensed commercial fishers. However, the holder of a direct retail endorsement must notify a county prior to selling within its borders and open his or her facilities for inspection in that county. If the county finds a health violation it may assess a fine and suspend the endorsement for up to seven days.

The direct retail endorsement and underlying licenses are conditioned upon compliance with the requirements for the accounting of salmon and crab, the payment of any fines, and compliance with the standards promulgated by the Board of Health. If the owner of a direct retail endorsement violates these rules, the department or a county prosecuting attorney may bring an action in superior court to seek suspension of the direct retail endorsement for up to five years. Suspension may not be sought for

a direct retail endorsement holder who executes a surety bond in accordance with the requirements for a wholesale fish dealer. The privileges granted by the direct retail endorsement may be suspended for up to 120 days during prosecution unless the holder executes a surety bond.

Fish and Wildlife Code violations are updated to reflect the existence of the direct retail endorsement.

**Votes on Final Passage:**

House	97	1	
Senate	47	1	(Senate amended)
House	97	0	(House concurred)

**Effective:** July 1, 2002

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## Roll Calls on Bill 2323 (2001-02)

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Brief Description: Creating the direct retail license for commercial fishers.

**Revised for 1st Substitute:** Establishing the direct retail endorsement for commercial fishers.

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: ESHB 2323  
Description: FINAL PASSAGE  
Item No.: 26  
Transcript No.: 34  
Date: 02-16-2002

Yeas: 97    Nays: 01    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker

Voting nay: Representative Delvin

## 2002 Regular Session

Chamber: SENATE  
Bill No.: ESHB 2323  
Description: 3RD READING & FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 49  
Transcript No.: 53  
Date: 03-07-2002

Yeas: 47    Nays: 01    Absent: 00    Excused: 01

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli

Voting nay: Senator Long

Excused: Senator McCaslin

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## 2002 Regular Session

Chamber: HOUSE  
Bill No.: ESHB 2323  
Description: FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 2  
Transcript No.: 58  
Date: 03-12-2002

Yeas: 97    Nays: 00    Absent: 00    Excused: 01

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes,

Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker

Excused: Representative Delvin

# **DUPLICATE FISH AND WILDLIFE DOCUMENTS**

## *Substitute House Bill 2435*

### **BACKGROUND**

A license issued by the Department of Fish and Wildlife (WDFW) is required to hunt for most wild animals and fish and to harvest seaweed and shellfish. Licenses are also necessary in order to practice taxidermy for a profit, deal in raw furs, act as a fishing guide, operate a game farm, purchase or sell game fish, or use department-managed facilities.

The Fish and Wildlife Commission has the authority to adopt rules for the issuance of recreational licenses and the collection of fees. In March of 2001, WDFW began issuing licenses and collecting fees through the Washington Interactive Licensing Database system. This new computer system replaced the paper system for license issuance.

If a license is lost or stolen a duplicate may be received. The WDFW Director has the authority to establish by rule the conditions for the issuance of duplicate licenses. By statute, the fee for a duplicate license is \$10 for those licenses that are \$10 or more, and equal to the value of the license for licenses that are less than \$10.

### **SUMMARY**

Requires that the fee charged for a duplicate WDFW license not be more than the actual cost to the Department for issuance of the duplicate.

### **RESOURCE IMPACTS**

Division Staff will be required to provide technical support to implement the new fee structure. Staff support will include meetings to communicate the change, timeline for implementation, and rule development.

### **FUNDING IMPACTS**

Additional staff time, meeting expenses, and programming time.

### **FUNDING SOURCE**

No funds were provided to implement this legislation. Existing WDFW staff time will be reallocated to support this new law.

### **COMMITTEES CREATED**

None.

### **WORK PLAN**

- Identify processes required to issue a duplicate license.
- Identify cost for each process required to issue a duplicate license.
- Review financial analysis with Division, Program, and Licensing committee.
- Present fee structure and rules to Fish and Wildlife Commission for adoption.

## **TIMETABLE**

April 12, 2002, all work plan items were completed. New pricing structure will be implemented upon Fish and Wildlife Commission approval by June 14, 2002.

## **LEGISLATIVE REPORTS**

None.

## **WDFW STAFF CONTACT**

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Business Services Program  
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# FINAL BILL REPORT

## SHB 2435

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### C 222 L 02

#### Synopsis as Enacted

**Brief Description:** Setting fees for the production of duplicate fish and wildlife license documents.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Jackley, Eickmeyer, Doumit, Buck, Rockefeller, Clements, Berkey and Orcutt; by request of Department of Fish and Wildlife).

**House Committee on Natural Resources**  
**Senate Committee on Natural Resources, Parks & Shorelines**

#### **Background:**

An individual must possess a license issued by the Department of Fish and Wildlife in order to lawfully hunt for most wild animals and to fish and harvest seaweed and shellfish. Licenses are also necessary in order to practice taxidermy for a profit, deal in raw furs, act as a fishing guide, operate a game farm, purchase or sell game fish, or use department-managed facilities.

The Fish and Wildlife Commission has the authority to adopt rules for the issuance of recreational licenses and the collection of fees. In March of 2001, the department began issuing licenses and collecting fees through the Washington Interactive Licensing Database system. This is a computer-based system that replaced the paper system for license issuance.

If a license is lost or stolen a duplicate may be issued. The director of the department has authority to establish by rule the conditions for the issuance of duplicate licenses. By statute, the fee for a duplicate license is \$10 for those licenses that are \$10 or more, and equal to the value of the license for licenses that are less than \$10.

**Summary:**

The director of the Department of Fish and Wildlife is authorized to establish fees for issuing duplicate licenses. The fee for a duplicate department license may not exceed the actual cost to the department for issuing the duplicate.

**Votes on Final Passage:**

House	97	0
Senate	49	0

**Effective:** June 13, 2002

## Roll Call on Bill 2435 (2001-02)

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Brief Description: Setting fees for the production of duplicate fish and wildlife license documents.

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SHB 2435  
Description: FINAL PASSAGE  
Item No.: 20  
Transcript No.: 30  
Date: 02-12-2002

Yeas: 97    Nays: 00    Absent: 00    Excused: 01

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker

Excused: Representative Schindler

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**2002 Regular Session**

Chamber: SENATE  
Bill No.: SHB 2435  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 9  
Transcript No.: 53  
Date: 03-07-2002

Yeas: 49    Nays: 00    Absent: 00    Excused: 00

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli

# **ELIMINATING THE EXCLUSIVITY OF GILL NET GEAR IN CERTAIN WATERS**

*House Bill 2625*

## **BACKGROUND**

Decades ago the Legislature enacted exclusive commercial harvest opportunities in certain geographic areas of the state based upon the type of gear used. This was done as a way of resolving conflicts between competing commercial salmon harvest gear groups. These legislatively mandated areas that dictate an exclusive type of gear have been repealed, except for the Bellingham Bay region (which limits commercial salmon fishing to gill netters).

It has been suggested that the reduction in the salmon fleet and other changed conditions no longer justify an exclusive harvest right for one segment of commercial salmon fishers.

## **SUMMARY**

The Fish and Wildlife Commission may authorize commercial fishing for salmon with gill net, purse seine, and other lawful gear in Bellingham Bay and the designated waters in that region.

## **RESOURCE IMPACTS**

None.

## **FUNDING IMPACTS**

None.

## **FUNDING SOURCE**

None.

## **COMMITTEES CREATED**

None.

## **WORK PLAN**

Incorporate this additional fishery tool to existing fishery preseason planning and inseason management structure. The RCW change does not require additional or special work to implement.

## **TIMETABLE**

Immediate upon RCW effective date.

## **LEGISLATIVE REPORTS**

None required.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## HB 2625

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### C 311 L 02

#### Synopsis as Enacted

**Brief Description:** Allowing the use of purse seine and other lawful fishing gear in certain waters.

**Sponsors:** By Representatives Linville, Buck, Van Luven and Lysen.

**House Committee on Natural Resources**  
**Senate Committee on Natural Resources, Parks & Shorelines**

#### **Background:**

The Legislature has in the past enacted exclusive commercial harvest opportunities in certain geographic areas of the state based upon the type of gear used. This was done as a way to resolve conflicts between competing commercial salmon harvest gear groups. These legislatively mandated areas that dictate an exclusive type of gear have been repealed, except for the Bellingham Bay region which limits commercial salmon fishing to gill netters.

#### **Summary:**

The Fish and Wildlife Commission may authorize commercial fishing for salmon with gill net, purse seine, and other lawful gear in Bellingham Bay and the designated waters in that region.

#### **Votes on Final Passage:**

House	94	0
Senate	46	0

**Effective:** June 13, 2002  
July 1, 2002 (Section 2)

## Roll Calls on Bill 2625 (2001-02)

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Brief Description: Allowing the use of purse seine and other lawful fishing gear in certain waters.

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: HB 2625  
Description: FINAL PASSAGE  
Item No.: 7  
Transcript No.: 29  
Date: 02-11-2002

Yeas: 94    Nays: 00    Absent: 00    Excused: 04

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker

Excused: Representatives Boldt, Crouse, Edwards, Schindler

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**2002 Regular Session**

Chamber: SENATE  
Bill No.: HB 2625  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 18  
Transcript No.: 48  
Date: 03-02-2002

Yeas: 46    Nays: 00    Absent: 02    Excused: 01

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli

Absent: Senators Deccio, Poulsen

Excused: Senator McCaslin

# PERMIT ASSISTANCE CENTER WITHIN THE DEPARTMENT OF ECOLOGY

*Engrossed Second Substitute House Bill 2671*

## BACKGROUND

The Permit Assistance Center (PAC) was created in 1995 in the Department of Ecology (DOE) to provide the public information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In addition to other requirements, the PAC was directed to develop and provide a coordinated state permitting procedure that permit applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

The Permit Assistance Center's statutory provisions were subject to a sunset provision. Although the Joint Legislative Audit and Review Committee (JLARC) prepared a sunset review recommending reauthorization, the PAC's statutory provisions expired on June 30, 1999. An appropriation in the 1999-2001 budget continued funding for PAC operations, and it continues to operate within DOE.

## SUMMARY

The Permit Assistance Center is created in statute. All funding, powers, duties, functions, and records of the permit assistance

center currently operating within DOE are transferred to the PAC. Provisions are included for transfer of authority and validity of prior and pending actions.

The PAC is required to operate on the principle that state citizens have the right to:

- a date in time for a decision on permits;
- notification of the information required by the permitting agency or authorizing agency in order to accept a completed application or issue a final decision; and
- know the maximum amount of costs in fees, studies, or public processes that will be incurred by the permit applicant.

For purposes of the PAC provisions, "permit" is defined as any license, certificate, registration, permit, or other form of use authorization required by a permit agency to engage in a particular activity.

Working with various state and local agencies, the PAC must create a range of permit assistance options for permit applicants. Options include a centralized customer call center, a web site for permitting information, facilitation services offered on a regional basis, and a process

for developing a coordinated permit process utilizing a cost reimbursement system. The PAC also must work to develop informal processes for dispute resolution between agencies and permit applicants and, to the maximum extent possible, must work with the Transportation Permit Efficiency and Accountability Committee.

In addition to other duties, the PAC must:

- publish and keep current informational handbooks for all permit laws;
- establish and make known a contact for distribution of the handbook and public advice;
- work closely and cooperatively with the Business License Center in providing efficient and non-duplicative service to the public;
- collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and
- provide an annual performance report to the Legislature based on customer surveys.

The PAC must prioritize expenditures of general fund money to provide services to small project applicants.

Upon a project proponent's request, the PAC must appoint a project facilitator to assist the applicant in determining applicable regulatory requirements, processes, and permits and to provide information and options to the applicant in obtaining the required permits. If requested, the project facilitator must

facilitate a project scoping meeting within 60 days of the request at which the project applicant, applicable state permitting agencies, affected local governments, and any federal agencies or tribal governments electing to participate may share perspectives and identify the project issues and information needs or concerns each participant and jointly develop a strategy for managing the permitting process. Items to be identified at the scoping meeting are specified. The results of this meeting must be documented in written form, be provided to the project applicant, and be available to the public.

The PAC also may provide active project coordination upon request. Based on a written cost reimbursement agreement, the PAC would initiate this process by convening a scoping meeting. In addition, the PAC would serve as the main contact for the permit applicant with regard to the coordinated permit processes and manage the procedural aspects of permit processing consistent with existing laws. The PAC must ensure the permit applicant has all necessary information, coordinate the review of those permits by the permit agencies, ensure timely permit decisions are made, and assist in resolving any conflict or inconsistency among permit requirements and conditions. The PAC must coordinate all cost-reimbursement agreements under other statutes for permits it coordinates.

The written cost reimbursement agreement may be negotiated to recover reasonable costs incurred by the PAC, permit agencies, and outside independent consultants selected by the PAC and permit agencies to perform permit review and processing consistent with the

coordinated permit process. Only the costs of performing permit services coordinated through the coordinated permitting process may be recovered in this manner. Any independent consultants hired under the cost reimbursement agreement report directly to the permitting agency. Provisions are included for development of a cost reimbursement policy; bidding, negotiation and development of the cost reimbursement agreement; avoiding conflicts of interest; billing; initiation of agency participation; and notification of a permitting agency's inability to meet its contractual obligations.

An eleven-member Permit Assistance Advisory Council (Council) is created. The Council includes seven members appointed by the Governor to represent business, the environmental community, agriculture, port districts, counties, cities, and tribes. Four legislative members, two from the Senate and two from the House of Representatives, serve on the Council as nonvoting members. Council appointments must reflect geographical balance and population diversity. Members serve four-year terms, and provisions are included for staggering of initial terms, vacancies, reimbursements, meetings, and governance. The Council must:

- assess the performance of the PAC;
- review annual customer surveys to determine the PAC's effectiveness; and
- recommend changes to PAC services to enhance technical assistance to permit applicants.

Provisions creating the PAC do not affect the jurisdiction of the Energy Facility Site Evaluation Council. The PAC provisions expire on June 30, 2007.

## **RESOURCE IMPACTS**

Assume five projects per biennium in which the Department of Fish and Wildlife (WDFW) participates in coordinated permit processing. The workload to participate in meetings and permit writing is expected to require 1.0 FTE (Fish and Wildlife Biologist 4).

## **FUNDING IMPACTS**

No negative funding impacts resulting in participation in the coordinated permit process provided cost reimbursement agreements are negotiated in advance. Only the costs of performing permit services through the coordinated process may be recovered.

## **FUNDING SOURCE**

Funding is from project applicants participating in the coordinated process, provided they enter into cost reimbursement agreements. Otherwise, funding for WDFW participation in the process would be absorbed by existing funding from general fund sources.

## **COMMITTEES CREATED**

At the request of a project proponent, WDFW may be asked to participate in a scoping meeting to determine permit requirements. WDFW may also be asked to participate in the coordinated permit process led by a facilitator appointed by the PAC. Regularly scheduled meetings would not be required.

## **WORK PLAN**

No work plan is possible since work is activated based on a request of an applicant for project permits. Participation of WDFW in the coordinated permit process would be scheduled by the PAC in response to these applicant requests.

## **TIMETABLE**

Since the PAC is already in existence, requests for WDFW participation in coordinated permit processing could occur at any time and be ongoing until the legislation sunsets on June 30, 2007.

## **LEGISLATIVE REPORTS**

None required from WDFW.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## E2SHB 2671

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### PARTIAL VETO

C 153 L 02

### Synopsis as Enacted

**Brief Description:** Creating the permit assistance center in the office of the governor.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Linville, Romero, Reardon, Simpson, Gombosky, Grant, Veloria, Kessler, Conway, Doumit, Hatfield, Ogden, Morris, Kenney, Dickerson, Edwards, Chase, Schual-Berke, Wood, Rockefeller, Jackley, Kagi and McDermott).

**House Committee on Agriculture & Ecology**

**House Committee on Appropriations**

**Senate Committee on Environment, Energy & Water**

**Senate Committee on Ways & Means**

#### **Background:**

The Permit Assistance Center (PAC) was created in 1995 in the Department of Ecology (DOE) to provide information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In addition to other requirements, the PAC was directed to develop and provide a coordinated state permitting procedure that project applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

The PAC's statutory provisions were subject to a sunset provision. Although the Joint Legislative Audit and Review Committee (JLARC) prepared a sunset review recommending reauthorization, the PAC's statutory provisions expired on June 30, 1999. An appropriation in the 1999-2001 budget continued funding for PAC operations, and it continues to operate within the DOE.

#### **Summary:**

The Office of Permit Assistance (OPA) is created in the Office of Financial Management, to be administered by the Office of the Governor. All funding, powers, duties, functions, and records of the Permit Assistance Center (PAC) currently operating within the Department of Ecology (PAC) are transferred to **the** OPA.

Provisions are included for transfer of PAC authority to the OPA and for validity of prior and pending actions.

The OPA is required to operate on the principle that state citizens should receive:

- a date and time for a decision on a permit;
- the information required to make a decision on a permit, recognizing that project changes or other circumstances may change the information required; and
- an estimate of the maximum amount of costs in fees, studies, or public processes that will be incurred by the project applicant.

For purposes of the OPA provisions, "permit" is defined as any permit, certificate, use authorization, or other form of governmental approval required to construct or operate a project. Other definitions related to the OPA or permitted projects are included.

Duties of the OPA are specified. The OPA must provide information services, including permit handbooks and contact persons, and must develop a call center and a web site. The OPA also must provide facilitation services upon request, which include appointing a project facilitator to assist project applicants to determine applicable regulatory requirements, processes, and permits and providing information and options for obtaining required permits. The OPA also must complete a project scoping within 60 days of request with relevant state and local permit agencies and the project applicant to identify issues and information needs regarding the project. Items to be identified through project scoping are identified. The outcome of the project scoping must be documented in written form, provided to the project applicant, and made available to the public. Neither the OPA's facilitation services nor its operating principles may be construed to create an independent cause of action, affect an existing cause of action, or establish time limits for purposes of RCW 64.40.020.

Further, the OPA may provide active project coordination either: (1) upon the project applicant's request based on a written cost reimbursement agreement; or (2) with the project applicant's assent and at the OPA's expense when the OPA determines it is in the public interest to do so. The OPA must assign a project coordinator to, among other responsibilities, conduct a project scoping, serve as the project applicant's contact person, coordinate permit processes, and assist in resolving conflicts. The project coordinator may coordinate negotiations for a written cost reimbursement agreement.

The written cost reimbursement agreement may be negotiated to recover the reasonable costs incurred by the OPA, permit agencies, and outside independent consultants selected to perform permit review and processing consistent with the coordinated permit process. Only the costs of performing permit services coordinated through the coordinated permitting process may be recovered in this manner. Any independent consultants hired under the cost reimbursement agreement report directly

to the permit agency. Provisions are included for development of a cost reimbursement policy; bidding, negotiation and development of the cost reimbursement agreement; avoiding conflicts of interest; billing; initiation of agency participation; and notification of a permitting agency's inability to meet its contractual obligations.

In addition to these responsibilities, the OPA must:

- work to develop informal processes for dispute resolution between agencies and project applicants;
- conduct customer surveys to evaluate its effectiveness;
- review initiatives developed by the Transportation Permit Efficiency and Accountability Committee to determine if any would be beneficial if implemented for other projects;
- prioritize expenditures of general fund money to provide services to small project applicants; and
- provide biennial reports to the Legislature on OPA performance, on any identified statutory or regulatory conflicts related to authorities and roles of permit agencies, and on use of outside independent consultants in the coordinated permit process.

An 11-member Permit Assistance Advisory Council (council) is created. The council includes seven members appointed by the Governor to represent business, the environmental community, agriculture, port districts, counties, cities, and tribes. Four legislative members, two from the Senate and two from the House of Representatives, serve on the council as nonvoting members. Council appointments must reflect geographical balance and population diversity. Members serve four-year terms, and provisions are included for staggering of initial terms, vacancies, reimbursements, meetings, and governance. The council must:

- assess the performance of the OPA;
- review annual customer surveys to determine the OPA's effectiveness; and
- recommend changes to improve OPA performance.

Provisions creating the OPA do not affect the jurisdiction of the Energy Facility Site Evaluation Council. The OPA provisions do not abrogate or diminish functions, powers, or duties granted to any permit agency and do not grant the OPA authority to decide if a permit will be issued.

The OPA provisions expire on June 30, 2007. The Joint Legislative and Audit Review Committee must work within its existing resources to conduct the sunset review of the OPA.

**Votes on Final Passage:**

House 72 26

Senate	48 0	(Senate amended)
House		(House refused to concur)
Senate		(Senate receded)
Senate	46 1	(Senate amended)
House	95 2	(House concurred)

**Effective:** June 13, 2002

**Partial Veto Summary:** The Governor vetoed the emergency clause and the provisions creating the Permit Assistance Advisory Council.

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## Roll Calls on Bill 2671 (2001-02)

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Brief Description: Creating the permit assistance center in the office of the governor.

**Revised for 1st Substitute:** Creating the permit assistance center in the department of ecology.

**Revised for 2nd Substitute:** Creating the permit assistance center in the department of ecology. (REVISED FOR ENGROSSED: Creating the permit assistance center in the office of the governor.)

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: E2SHB 2671  
Description: FINAL PASSAGE  
Item No.: 4  
Transcript No.: 34  
Date: 02-16-2002

Yeas: 72    Nays: 26    Absent: 00    Excused: 00

Voting yea: Representatives Alexander, Anderson, Barlean, Berkey, Bush, Campbell, Carrell, Chandler, Chase, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Nixon, O'Brien, Ogden, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schmidt, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker

Voting nay: Representatives Ahern, Armstrong, Ballard, Ballasiotes, Benson, Boldt, Buck, Cairnes, Casada, Clements, Cox, Crouse, Delvin, Dunn, Holmquist, Mastin, McMorris, Mielke, Mitchell, Morell, Mulliken, Orcutt, Schindler, Schoesler, Skinner, Sump

## 2002 Regular Session

Chamber: SENATE  
Bill No.: E2SHB 2671  
Description: 3RD READING & FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 19  
Transcript No.: 54  
Date: 03-08-2002

Yeas: 48    Nays: 00    Absent: 00    Excused: 01

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Zarelli

Excused: Senator Thibaudeau

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## 2002 Regular Session

Chamber: SENATE  
Bill No.: E2SHB 2671  
Description: 3RD READING & FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 9  
Transcript No.: 59  
Date: 03-13-2002

Yeas: 46    Nays: 01    Absent: 00    Excused: 02

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kohl-Welles, Long, McAuliffe,

McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Zarelli

Voting nay: Senator Thibaudeau  
Excused: Senators Kastama, Kline

### 2002 Regular Session

Chamber:	HOUSE
Bill No.:	E2SHB 2671
Description:	FINAL PASSAGE AS AMENDED BY THE SENATE
Item No.:	14
Transcript No.:	59
Date:	03-13-2002

Yeas: 95    Nays: 02    Absent: 00    Excused: 01

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Miloscia, Mitchell, Morell, Morris, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker

Voting nay: Representatives Mielke, Mulliken  
Excused: Representative Skinner

# HYDRAULIC PERMITS

## *Engrossed Substitute House Bill 2866*

### BACKGROUND

A person must obtain hydraulic project approval (HPA) for any project or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning the construction or work. Hydraulic permits are issued to ensure the proper protection of fish life and are issued by the Department of Fish and Wildlife (WDFW).

HPA's cannot be unreasonably withheld. Some concerns have been expressed that the conditions being attached to hydraulic permits are not in proportion to the impact of the proposed project. The imposition of impact fees by local governments requires that the fees must reasonably relate to the increased service demands caused by the development activity. The local ordinance imposing the fee must develop a method for calculating the amount of impact fees based upon the proportionate share of the cost of public facility improvements required for each type of development activity. There is no similar type of guidelines used for attaching conditions to hydraulic permits.

Additional concerns have been raised by applicants seeking approval for storm

water projects, regarding purported inconsistent directions being given by the Department of Ecology (DOE) and WDFW.

Marinas in existence on June 6, 1996, or that have received a HPA for initial construction, may obtain upon request a renewable five-year HPA for regular maintenance activities of the marina. This type of renewable five-year approval for regular maintenance is not available for marine terminals.

The Hydraulics Appeals Board consists of three members. One member is the director of DOE or the director's designee, one member is the director of the Department of Agriculture (DOA) or the director's designee, and the remaining member is the director of WDFW or the director's designee. The board is responsible for hearing those hydraulic appeals related to diversions of water for agricultural irrigation or stock watering, streambank stabilization to protect farm and agricultural land, and proposals pertaining to off-site mitigation. There are

no representatives of local government on this board.

## **SUMMARY**

Hydraulic projects may not be unreasonably conditioned. Conditions imposed upon obtaining a HPA must reasonably relate to the project. WDFW may not impose conditions that attempt to optimize fish life that are out of proportion to the impact of the proposed project.

Hydraulic permits must contain provisions that allow for minor modifications to the plans and specifications without requiring a permit to be reissued.

A process is established to address overlapping jurisdiction between DOE and WDFW regarding storm water projects. DOE and local governments operating under the water pollution control laws are recognized as having primary responsibility for regulating storm water projects. Once DOE or a local government have approved a storm water project that is consistent with the storm water manual adopted by DOE, or its equivalent, a hydraulic permit is only required for the actual construction of any storm water outfall or associated structures. WDFW may not deny or condition hydraulic permits under these circumstances based upon water quality or quantity impacts arising from storm water discharges for which the structure is being installed.

In other locations, WDFW may issue hydraulic permits pertaining to storm water

projects, and the permits may contain provisions that protect fish life from adverse effects resulting from the direct hydraulic impacts of the discharge. Before issuing a hydraulic permit with conditions under these circumstances, WDFW must make a finding that the discharge from the outfall will cause harmful effects to fish, send the findings to the applicant and the city or county in which the project is being proposed, and allow the applicant an opportunity to use local ordinances or other mechanisms to avoid adverse effects resulting from the direct hydraulic discharge. Once this process is followed, WDFW may issue a hydraulic permit that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. WDFW may recommend, but not specify, the measures needed to meet these discharge rates. WDFW may not require changes to the project design above the mean higher high water mark of marine waters or the ordinary high water mark of fresh waters of the state. Nothing is intended to alter any authority WDFW may have to regulate other types of projects under the hydraulics code.

Marine terminals in existence on June 6, 1996, or marine terminals that have received a HPA for their initial construction, may obtain upon request a renewable five-year HPA for regular maintenance activities of the marine terminal.

## **RESOURCE IMPACTS**

Will require 1.0 FTE (Fish and Wildlife Biologist 4) to develop implementing rules

for adoption by the Fish and Wildlife Commission. Will also require 0.3 FTE (Economist Analyst 3) to develop the Small Business Economic Impact Statement, the Cost-Benefit Analysis, and the Significant Legislative Rules Analysis required for rule development.

## **FUNDING IMPACTS**

Hydraulic Code rule development is considered Significant Legislative Rule development, which requires a Small Business Economic Impact Statement, a Cost-Benefit Analysis and a Significant Legislative Rules Analysis. Estimated costs for rule development is \$7,300.

## **FUNDING SOURCE**

No funding was received for this legislation; therefore, costs would have to be absorbed by the Regulatory Services budget.

## **COMMITTEES CREATED**

Rule development will require two stakeholder committees, one for stormwater interests and one for marine terminal interests.

## **WORK PLAN**

- File Statement of Inquiry - Notice of Intent to Develop Rules (CR 101) with the Code Reviser's Office
- Establish stakeholder committees

- Develop proposed rule language
- Develop the Small Business Economic Impact Statement, Cost-Benefit Analysis and Significant Legislative Rules Analysis
- File Notice of Proposed Rules (CR 102) with the Code Reviser's Office
- Mail Written Notice to Stakeholders
- Hold public hearing on proposed rule
- Make any changes as necessary
- Adopt proposed rules
- Allow a public comment period on the adopted rules
- Develop a Concise Explanatory Statement for any comments received during the public comment period
- File Adopted Rules (CR 103) with the Code Reviser's Office
- New rules effective 31 days after filing
- Train HPA permit writing staff on new rules

## **TIMETABLE**

Rule development will take 10-12 months to complete, depending on the level of controversy of any proposed rule. Available staff and funding will first need to be identified and made available.

## **LEGISLATIVE REPORTS**

None required.

## **WDFW STAFF CONTACT**

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Habitat Program  
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# FINAL BILL REPORT

## ESHB 2866

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### PARTIAL VETO

C 368 L 02

### Synopsis as Enacted

**Brief Description:** Limiting overlapping jurisdiction regarding the permitting of storm water projects.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Doumit, Sump, Reardon, Schoesler, Linville, Kessler, Morris, Mulliken, Hatfield, Pearson, Grant, Armstrong and McMorris).

**House Committee on Natural Resources**

**Senate Committee on Natural Resources, Parks & Shorelines**

#### **Background:**

A person must obtain a HPA for any project or work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state before beginning the construction or work. Hydraulic permits are issued to ensure the proper protection of fish life and are issued by the Department of Fish and Wildlife (DFW).

HPAs cannot be unreasonably withheld but the statute does not address the kinds of conditions that may be attached to hydraulic permits. The imposition of impact fees by local governments requires that the fees must reasonably relate to the increased service demands caused by the development activity. The local ordinance imposing the fee must develop a method for calculating the amount of impact fees based upon the proportionate share of the cost of public facility improvements required for each type of development activity. There is no similar guidelines to be used for conditioning hydraulic permits.

Applicants seeking to construct a stormwater management device must receive both a hydraulic permit from the Department of Fish and Wildlife and a National Pollution Discharge Elimination Permit from the Department of Ecology. The two permits may require different requirements to be met before the project is approved.

Marinas that were in existence on June 6, 1996, or that have received a HPA for its initial construction, may obtain upon request a renewable five-year HPA for regular maintenance activities of the marina. This type of renewable five-year approval for regular maintenance is not available for marine terminals.

The Hydraulics Appeals Board consists of three members. One member is the director of the Department of Ecology or the director's designee, one member is the director of the Department of Agriculture or the director's designee, and the remaining member is the director of the DFW or the director's designee. The board is responsible for hearing those hydraulic appeals related to diversions of water for agricultural irrigation or stock watering, streambank stabilization to protect farm and agricultural land, and proposals pertaining to off-site mitigation.

### **Summary:**

The Department of Fish and Wildlife (DFW) may not unreasonably condition hydraulic projects. Conditions imposed upon obtaining a HPA must reasonably relate to the project. The DFW may not impose conditions that attempt to optimize fish life that are out of proportion to the impact of the proposed project.

Hydraulic permits must contain provisions that allow for minor modifications to the plans and specifications without requiring a permit to be reissued.

A process is established to address overlapping jurisdiction between the Department of Ecology (DOE) and the DFW regarding storm water projects. The DOE and local governments operating under the water pollution control laws are recognized as having the primary responsibility for the regulation of storm water projects. Once a storm water project has been granted a National Pollution Discharge Elimination System permit, also known as the NPDES permit, a hydraulic permit is required only for the actual construction of any storm water outfall or associated structures. The DFW may not deny or condition hydraulic permits under these circumstances based upon water quality or quantity impacts arising from storm water discharges for which the structure is being installed.

In other locations, the DFW may issue hydraulic permits pertaining to storm water projects, and the permits may contain provisions that protect fish life from adverse effects resulting from the direct hydraulic impacts of the discharge. Before issuing a hydraulic permit with conditions under these circumstances, the DFW must make a finding that the discharge from the outfall will cause harmful effects to fish, send the findings to the applicant and the city or county in which the project is being proposed, and allow the applicant an opportunity to use local ordinances or other mechanisms to avoid adverse effects resulting from the direct hydraulic discharge. Once this process is followed, the DFW may issue a hydraulic permit that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. The DFW may recommend, but not specify, the measures needed to meet these discharge rates. The DFW may not require changes to the project design above the mean higher high water mark of marine waters or the ordinary high water mark of fresh waters of the state. Nothing is intended to alter any authority the DFW may have to regulate other types of projects under the hydraulics code.

Marine terminals in existence on June 6, 1996, or marine terminals that have received a HPA for their initial construction, may obtain upon request a renewable five-year HPA for regular maintenance activities of the marine terminal.

The membership of the Hydraulics Appeals Board is increased by three members representing local governments. One of these members represents cities, one member represents counties, and one member represents port districts. The local government representatives are appointed by and serve "at the pleasure" of their respective state associations.

**Votes on Final Passage:**

House	74	24
Senate	30	18 (Senate amended)
House	61	35 (House concurred)

**Effective:** June 13, 2002

**Partial Veto Summary:** The Governor vetoed a section that increased the membership of the Hydraulics Appeals Board by adding three members representing local governments.

## Roll Calls on Bill 2866 (2001-02)

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Brief Description: Limiting overlapping jurisdiction regarding the permitting of storm water projects.

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: ESHB 2866  
Description: FINAL PASSAGE  
Item No.: 28  
Transcript No.: 34  
Date: 02-16-2002

Yeas: 74    Nays: 24    Absent: 00    Excused: 00

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kessler, Kirby, Linville, Lisk, Lovick, Mastin, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sommers, Sullivan, Sump, Talcott, Van Luven, Woods, and Mr. Speaker

Voting nay: Representatives Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Fisher, Hunt, Hurst, Jarrett, Kagi, Kenney, Lantz, Lysen, McDermott, McIntire, Romero, Schual-Berke, Simpson, Tokuda, Upthegrove, Voloria, Wood

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**2002 Regular Session**

Chamber: SENATE  
Bill No.: ESHB 2866  
Description: 3RD READING & FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 8  
Transcript No.: 54  
Date: 03-08-2002

Yeas: 30    Nays: 18    Absent: 00    Excused: 01

Voting yea: Senators Benton, Deccio, Finkbeiner, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rasmussen, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Stevens, Swecker, West, Zarelli

Voting nay: Senators Carlson, Costa, Eide, Fairley, Franklin, Fraser, Jacobsen, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Regala, Sheldon, B., Spanel, Thibaudeau, Winsley

Excused: Senator Brown

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**2002 Regular Session**

Chamber: HOUSE  
Bill No.: ESHB 2866  
Description: FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 33  
Transcript No.: 57  
Date: 03-11-2002

Yeas: 68    Nays: 28    Absent: 00    Excused: 02

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Edwards, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kenney, Kessler, Kirby, Linville, Mastin, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Schual-Berke, Sehlin, Skinner, Sommers, Sump, Talcott, Van Luven, Woods, and Mr. Speaker

Voting nay: Representatives Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Fisher, Hunt, Hurst, Jarrett, Kagi, Lantz, Lovick, Lysen, McDermott, Morell, Murray, O'Brien, Ogden, Romero, Simpson, Sullivan, Tokuda, Upthegrove, Veloria, Wood

Excused: Representatives Lisk, Schmidt

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: ESHB 2866  
Description: FINAL PASSAGE AS AMENDED BY THE SENATE  
Item No.: 36  
Transcript No.: 57  
Date: 03-11-2002

Yeas: 61    Nays: 35    Absent: 00    Excused: 02

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Campbell, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Doumit, Dunn, Eickmeyer, Ericksen, Esser, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Jackley, Kessler, Linville, Mastin, McMorris, Mielke, Mitchell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Ruderman, Santos, Schindler, Schoesler, Sehlin, Skinner, Sommers, Sump, Talcott, Woods, and Mr. Speaker

Voting nay: Representatives Cairnes, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Dunshee, Edwards, Fisher, Hunt, Hurst, Jarrett, Kagi, Kenney, Kirby, Lantz, Lovick, Lysen, McDermott, McIntire, Miloscia, Morell, Murray, O'Brien, Ogden,

Romero, Schual-Berke, Simpson, Sullivan, Tokuda, Upthegrove, Van Luven,  
Veloria, Wood

Excused: Representatives Lisk, Schmidt

# **GROUP FISHING PERMITS**

*Substitute Senate Bill 6301*

## **BACKGROUND**

Recreational fishing is legal without a fishing license for persons under the care of a state licensed or state-operated care facility that obtains a group-fishing permit from the Director of the Washington Department of Fish and Wildlife (WDFW).

Family members or caregivers of the persons in the state authorized care facility desire to fish in the group-authorized activity without a license.

## **SUMMARY**

WDFW's Director is given the authority to issue a group fishing permit to a state-operated or state-licensed care facility. Nonprofit facilities are now eligible for group fishing permits. The definition of persons who may participate under a group fishing permit is expanded to include handicapped and seriously or terminally ill persons, and persons who are dependent on the state because of emotional or physical disabilities.

Group fishing permits are restricted for occasional use during open seasons.

The Fish and Wildlife Commission must adopt rules governing the issuance of group fishing permits.

## **RESOURCE IMPACTS**

Division staff will provide technical and financial support to implement the new permit. Staff support will include meetings, timeline for implementation, and rule development.

## **FUNDING IMPACTS**

Additional staff time to implement the new permit.

## **FUNDING SOURCE**

No funds were provided to implement this legislation. Existing WDFW staff time will be reallocated to support this new law.

## **COMMITTEES CREATED**

None.

## **WORK PLAN**

- Identify method and procedures for issuing non-profit group fishing permits.
- Identify and correspond to potential non-profit organizations that may utilize this permit.

## **TIMETABLE**

Non-profit group fishing permits will be implemented June 14, 2002.

## **LEGISLATIVE REPORTS**

None.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## SSB 6301

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C 266 L 02

### Synopsis as Enacted

**Brief Description:** Allowing the issuance of a group fishing permit to a facility.

**Sponsors:** Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Oke, Jacobsen, Spanel, Snyder, Hargrove and Rasmussen; by request of Department of Fish and Wildlife).

**Senate Committee on Natural Resources, Parks & Shorelines**

**House Committee on Natural Resources**

**Background:** Recreational fishing is legal without a fishing license for persons under the care of a state licensed or state-operated care facility that obtains a group fishing permit from the director.

Family members or caregivers of the persons in the state authorized care facility desire to fish in the group authorized activity without a license.

**Summary:** The director is given the authority to issue a group fishing permit to a state-operated or state-licensed care facility. Nonprofit facilities are now eligible for group fishing permits. The definition of persons who may participate under a group fishing permit is expanded to include handicapped and seriously or terminally ill persons and persons who are dependent on the state because of emotional or physical disabilities.

Group fishing permits are restricted in use to open seasons.

The Fish and Wildlife Commission must adopt rules governing the issuance of group fishing permits.

**Votes on Final Passage:**

Senate 47 0  
House 96 0 (House amended)  
Senate 45 0 (Senate concurred)

**Effective:** June 13, 2002

## Roll Calls on Bill 6301 (2001-02)

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Brief Description: Allowing the issuance of a group fishing permit to a facility.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SSB 6301  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 13  
Transcript No.: 31  
Date: 02-13-2002

Yeas: 47    Nays: 00    Absent: 00    Excused: 02

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley, Zarelli

Excused: Senators Parlette, Swecker

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SSB 6301  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 37  
Transcript No.: 51  
Date: 03-05-2002

Yeas: 96    Nays: 00    Absent: 00    Excused: 02

Voting yea: Representatives Ahern, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker

Excused: Representatives Alexander, Armstrong

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**2002 Regular Session**

Chamber: SENATE  
Bill No.: SSB 6301  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 30  
Transcript No.: 57  
Date: 03-11-2002

Yeas: 45    Nays: 00    Absent: 01    Excused: 03

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, Zarelli

Absent: Senator Kline

Excused: Senators Brown, Kohl-Welles, Parlette

# **DERELICT FISHING GEAR**

## *Senate Bill 6313*

### **BACKGROUND**

Derelict gear is the term used for fishing nets, traps, or lines that are lost or abandoned in state waters. Derelict gear can continue to catch fish and other marine organisms long after it is lost. There is currently no incentive to report the loss of gear, and no common procedures for gear removal.

The Northwest Straits Commission received a federal grant to develop protocols for the safe removal of derelict gear, and to inventory and remove derelict gear in the northwest straits of Puget Sound. The Washington Department of Fish and Wildlife (WDFW) has indicated that a hydraulic project approval (HPA) will be required for derelict gear removal.

### **SUMMARY**

WDFW, in partnership with the Department of Natural Resources (DNR), the Northwest Straits Commission (NWSC), and other interested parties, must publish guidelines for the safe removal and disposal of derelict gear. No HPA is required for gear removed according to the guidelines.

WDFW must also create a database of known derelict gear. Commercial fishers are encouraged to report the loss of gear to WDFW.

WDFW must provide a report to the Legislature by January 1, 2003, on methods to reduce future losses of fishing gear.

### **RESOURCE IMPACTS**

Derelict gear that has been incorporated into the substrate becomes part of the habitat. Removal of this type of gear will have negative resource consequences. The removal of derelict gear that is still intercepting animals will have a positive resource effect. The development of safe guidelines will need to incorporate the distinction of the gear risk to the resource.

### **FUNDING IMPACTS**

Publication and disbursement costs of the required guidelines may impact the department to meet a share of the Committee costs. This will be variable depending on future decisions of the committee and the agency. Personnel assigned to draft the required report to the

Legislature will also create impact due to the redirection of their work, along with the associated support activities. No additional impacts are anticipated with maintaining the database and entering new data as the frequency of this activity will not be directed to change from current infrequent levels.

## **FUNDING SOURCE**

No funding sources were identified or appropriated for the agency activity. Grants to cooperators from other sources may be available to help offset costs.

## **COMMITTEES CREATED**

A committee is created of WDFW, DNR, NWSC, Puget Sound Action Team, etc, that is charged with developing and publishing guidelines for the safe removal and disposal of derelict gear.

## **WORK PLAN**

A work plan needs to be developed in concert with the committee activities and coordinated through the agency representative(s) to that committee. Staff need to be assigned to produce the required report on ways of reducing the losses of fishing gear.

## **TIMETABLE**

The agency will contact the other involved entities as they are assigned to the Committee. DFW's assigned Committee member(s) will work with the other representatives to set meeting schedules that: 1) develop operating protocols; 2) develop a schedule of assignments necessary to meet the legislative requirements; 3) develop public participatory opportunities; and 4) make assignments to the committee members that will bring the project to a fruitful conclusion. A report is due to the Legislature on January 1, 2003.

## **LEGISLATIVE REPORTS**

A legislative report is required on January 1, 2003 that recommends methods to reduce future losses of fishing gear.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## SSB 6313

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C 20 L 02

### Synopsis as Enacted

**Brief Description:** Providing for the retrieval of derelict fishing gear.

**Sponsors:** Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senator Oke).

**Senate Committee on Natural Resources, Parks & Shorelines**

**House Committee on Natural Resources**

**Background:** Derelict gear is the term used for fishing nets, traps, or lines that are lost or abandoned in state waters. Derelict gear can continue to catch fish and other marine organisms for long after it is lost. There is currently no incentive to report the loss of gear, and no common procedures for gear removal.

The Northwest Straits Commission received a federal grant to develop protocols for the safe removal of derelict gear, and to inventory and remove derelict gear in the northwest straits of Puget Sound. The Washington Department of Fish and Wildlife has indicated that a HPA will be required for derelict gear removal.

**Summary:** The Washington Department of Fish and Wildlife, in partnership with the Department of Natural Resources, the Northwest Straits Commission, and other interested parties, must publish guidelines for the safe removal and disposal of derelict gear. No HPA is required for gear removed according to the guidelines.

The Department of Fish and Wildlife must also create a database of known derelict gear. Commercial fishers are encouraged to report the loss of gear to the Department of Fish and Wildlife.

The Department of Fish and Wildlife must provide a report to the Legislature by January 1, 2003,

on methods to reduce future losses of fishing gear.

**Votes on Final Passage:**

Senate 47 0

House 96 0

**Effective:** June 13, 2002

## Roll Calls on Bill 6313 (2001-02)

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Brief Description: Providing for the recovery of lost and abandoned fishing gear.  
**Revised for 1st Substitute:** Providing for the retrieval of derelict fishing gear.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SSB 6313  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 8  
Transcript No.: 32  
Date: 02-14-2002

Yeas: 47    Nays: 00    Absent: 00    Excused: 02

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Zarelli

Excused: Senators Fraser, Winsley

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SSB 6313  
Description: FINAL PASSAGE  
Item No.: 3  
Transcript No.: 51

Date: 03-05-2002

Yeas: 96 Nays: 00 Absent: 00 Excused: 02

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker

Excused: Representatives Armstrong, Edwards

# **MIGRATORY BIRD VALIDATION AND STAMP**

## *Second Substitute Senate Bill 6353*

### **BACKGROUND**

Current fees for a Washington State migratory bird collector stamp and a validation are \$6 for both hunters and collectors. The migratory bird stamp requirement was created in 1985, at which time the fee was \$5. The fee was last increased from \$5 to \$6 in 1991. The stamp was necessary to make the migratory bird license valid.

### **SUMMARY**

The fee for a Washington State migratory bird stamp and validation is increased from \$6 to \$10 for both hunters and collectors. Migratory bird stamp funds may not be used on lands controlled by private hunting clubs or on private lands that charge a fee for access. A migratory bird stamp is no longer a requirement to make the migratory bird license valid, only the signature of the license holder is required.

### **RESOURCE IMPACTS**

At least one division staff person will be required to provide technical and financial support to implement the new fee struc-

ture. Staff support will include meetings to communicate financial analysis, timeline for implementation, and rule development.

### **FUNDING IMPACTS**

Additional staff time, meeting expenses, and programming time.

### **FUNDING SOURCE**

No funds were provided to implement this legislation. Existing Department of Fish and Wildlife resources will be reallocated to support this new law.

### **COMMITTEES CREATED**

None.

### **WORK PLAN**

- Develop and implement new business rules for automated licensing system.
- Review business rules with WILD vendor.
- Communicate license increase to

agency, dealers, and public.

- Communicate license validation criteria to agency, dealers, and public.

## **TIMETABLE**

Fee increase will be implemented June 14, 2002.

## **LEGISLATIVE REPORTS**

None.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## 2SSB 6353

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### Synopsis as Enacted

**Brief Description:** Concerning the use of migratory bird stamp and migratory bird validation fees.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Haugen, Oke and Jacobsen).

**Senate Committee on Natural Resources, Parks & Shorelines**

**Senate Committee on Ways & Means**

**House Committee on Natural Resources**

**House Committee on Appropriations**

**Background:** Current fees for a Washington State migratory bird stamp are \$6 for both hunters and collectors.

The migratory bird stamp requirement was created in 1985, at which time the fee was \$5. The fee was last increased from \$5 to \$6 in 1991.

**Summary:** The fee for a Washington State migratory bird stamp is increased from \$6 to \$10 for both hunters and collectors. Migratory bird stamp funds may not be used on private hunting clubs or on private lands that charge a fee for access.

**Votes on Final Passage:**

Senate	37 12
House	53 44 (House amended)
Senate	37 9 (Senate concurred)

**Effective:** June 13, 2002

## Roll Calls on Bill 6353 (2001-02)

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Brief Description: Increasing the fee for the migratory bird stamp from six dollars to eight dollars.  
**Revised for 2nd Substitute:** Concerning the use of migratory bird stamp and migratory bird validation fees.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: 2SSB 6353  
Description:  
Item No.: 24  
Transcript No.: 36  
Date: 02-18-2002

Yeas: 37    Nays: 12    Absent: 00    Excused: 00

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley

Voting nay: Senators Benton, Hewitt, Hochstatter, Honeyford, Johnson, McCaslin, Morton, Roach, Sheahan, Sheldon, T., Stevens, Zarelli

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: 2SSB 6353  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 9  
Transcript No.: 59

Date: 03-13-2002

Yeas: 53 Nays: 44 Absent: 00 Excused: 01

Voting yea: Representatives Alexander, Ballasiotes, Berkey, Chase, Clements, Cody, Conway, Cooper, Darneille, DeBolt, Dickerson, Doumit, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Hunt, Hurst, Jackley, Kagi, Kenney, Kessler, Kirby, Lantz, Lovick, Lysen, McDermott, McIntire, Miloscia, Murray, O'Brien, Ogden, Quall, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Veloria, Wood, Woods, and Mr. Speaker

Voting nay: Representatives Ahern, Anderson, Armstrong, Ballard, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Cox, Crouse, Delvin, Dunn, Ericksen, Esser, Holmquist, Jarrett, Linville, Lisk, Mastin, McMorris, Mielke, Mitchell, Morell, Morris, Mulliken, Nixon, Orcutt, Pearson, Pflug, Reardon, Roach, Schindler, Schmidt, Schoesler, Sehlin, Sump, Talcott, Van Luven

Excused: Representative Skinner

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: 2SSB 6353  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 44  
Transcript No.: 59  
Date: 03-13-2002

Yeas: 37 Nays: 09 Absent: 00 Excused: 03

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, Oke, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley

Voting nay: Senators Hewitt, Honeyford, Johnson, McDonald, Morton, Parlette, Roach,  
Stevens, Zarelli

Excused: Senators Benton, McCaslin, West

# **BIODIVERSITY CONSERVATION**

## *Engrossed Substitute Senate Bill 6400*

### **BACKGROUND**

Biological diversity, or biodiversity, is the term used to describe the genetic differences within a species, the array of plants and animals, and the diversity of landscapes on which they depend. There are a number of programs in Washington, both state and non-governmental, that address the state's biodiversity. These programs include the state's Natural Heritage Program housed in the Department of Natural Resources, and the Priority Habitat and Species program of the Department of Fish and Wildlife (WDFW). In addition, The Nature Conservancy of Washington is developing ecoregional plans to guide its conservation programs.

However, there is concern that existing programs are not well coordinated, and that there is no single entity responsible for development and implementation of a state biodiversity strategy.

### **SUMMARY**

The Interagency Committee for Outdoor Recreation must provide a grant for the review of biodiversity programs. The grant

must be matched with an equal amount of funding from non-state sources.

The grantee must convene a biodiversity conservation committee, consisting of representatives from state and federal agencies, local governments, tribes, property owners, business interests, academia, and non-governmental organizations. The committee must review existing biodiversity programs and develop recommendations for a state biodiversity strategy.

The purpose of a state biodiversity strategy is to maintain Washington's biodiversity in perpetuity. The biodiversity strategy must include a standing committee and lead agency to oversee the strategy; an integrated system of data management; public education, outreach, and technical assistance; and the identification of non-regulatory methods to preserve biodiversity.

The biodiversity conservation committee must identify the time frame and cost to implement the biodiversity strategy. The grantee must provide a final report of the review and recommendations of the biodiversity conservation committee to the Legislature by October 1, 2003.

## **RESOURCE IMPACTS**

The establishment of a biodiversity committee and production of a report on a biodiversity strategy has the potential to greatly benefit the fish and wildlife resources of Washington. Currently, these are numerous initiatives that contribute to protection and conservation of Washington's biodiversity. However, there has not been a concerted effort to tie each of these initiatives together such that they take a synergistic approach. The establishment and funding of this committee is intended to do this.

## **FUNDING IMPACTS**

WDFW does not intend to pursue the grant and lead agency role in the establishment of the committee. A non-state government agency would be a better fit for this role. WDFW will be an integral participant on the committee and in helping shape the biodiversity strategy. WDFW will also assist in Ecoregional planning and Priority Habitats and Species work and in providing data and information where necessary.

## **FUNDING SOURCE**

WDFW's participation in this effort will be funded as part of the Ecoregional Planning project.

## **COMMITTEES CREATED**

Biodiversity Conservation Committee

## **WORK PLAN**

To be established when the committee is created and convened.

## **TIMETABLE**

June 2002 – October 2003

## **LEGISLATIVE REPORTS**

The grantee must provide a final report of the review and recommendations of the Biodiversity Conservation Committee to the Legislature by October 1, 2003.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## ESSB 6400

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### Synopsis as Enacted

**Brief Description:** Developing a statewide biodiversity conservation strategy.

**Sponsors:** Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Jacobsen, Oke, Kohl-Welles and Kline).

**Senate Committee on Natural Resources, Parks & Shorelines**

**House Committee on Natural Resources**

**House Committee on Appropriations**

**Background:** Biological diversity, or biodiversity, is the term used to describe the genetic differences within a species, the array of plants and animals, and the diversity of landscapes on which they depend. There are a number of programs in Washington, both state and non-governmental, that address the state's biodiversity. These programs include the state's Natural Heritage Program housed in the Department of Natural Resources, and the Priority Habitat and Species program of the Department of Fish and Wildlife. In addition, The Nature Conservancy of Washington is developing ecoregional plans to guide its conservation programs.

However, there is concern that existing programs are not well coordinated, and that there is no single entity responsible for development and implementation of a state biodiversity strategy.

**Summary:** The Interagency Committee for Outdoor Recreation must provide a grant for the review of biodiversity programs. The grant must be matched with an equal amount of funding from non-state sources.

The grantee must convene a biodiversity conservation committee, consisting of representatives from state and federal agencies, local governments, tribes, property owners, business interests, academia, and non-governmental organizations. The committee must

review existing biodiversity programs and develop recommendations for a state biodiversity strategy.

The purpose of a state biodiversity strategy is to maintain Washington's biodiversity in perpetuity. The biodiversity strategy must include a standing committee and lead agency to oversee the strategy; an integrated system of data management; public education, outreach, and technical assistance; and the identification of non-regulatory methods to preserve biodiversity.

The biodiversity conservation committee must identify the time frame and cost to implement the biodiversity strategy. The grantee must provide a final report of the review and recommendations of the biodiversity conservation committee to the Legislature by October 1, 2003.

**Votes on Final Passage:**

Senate	39	9
House	55	41 (House amended)
Senate	36	9 (Senate concurred)

**Effective:** June 13, 2002

## Roll Calls on Bill 6400 (2001-02)

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Brief Description: Developing a statewide biodiversity conservation strategy.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: ESSB 6400  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 15  
Transcript No.: 33  
Date: 02-15-2002

Yeas: 39    Nays: 09    Absent: 00    Excused: 01

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Zarelli

Voting nay: Senators Hale, Hewitt, Hochstatter, Honeyford, Horn, Long, McCaslin, Morton, Sheahan

Excused: Senator Stevens

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: ESSB 6400  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 25  
Transcript No.: 54  
Date: 03-08-2002

Yeas: 55    Nays: 41    Absent: 00    Excused: 02

Voting yea: Representatives Anderson, Berkey, Campbell, Chase, Cody, Conway, Cooper, Darneille, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Fisher, Fromhold, Gombosky, Grant, Haigh, Hatfield, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lovick, Lysen, McDermott, McIntire, Miloscia, Morris, Murray, Nixon, O'Brien, Ogden, Quall, Reardon, Rockefeller, Romero, Ruderman, Santos, Schual-Berke, Simpson, Sommers, Sullivan, Tokuda, Upthegrove, Voloria, Wood, and Mr. Speaker

Voting nay: Representatives Ahern, Alexander, Ballard, Ballasiotes, Barlean, Benson, Boldt, Buck, Bush, Cairnes, Carrell, Casada, Chandler, Clements, Cox, Crouse, DeBolt, Delvin, Ericksen, Esser, Hankins, Holmquist, Lisk, Mastin, Mielke, Mitchell, Morell, Mulliken, Orcutt, Pearson, Pflug, Roach, Schindler, Schmidt, Schoesler, Sehlin, Skinner, Sump, Talcott, Van Luven, Woods

Excused: Representatives Armstrong, McMorris

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: ESSB 6400  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 6  
Transcript No.: 58  
Date: 03-12-2002

Yeas: 36    Nays: 09    Absent: 01    Excused: 03

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDonald, Oke, Prentice, Rasmussen, Regala, Rossi, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley, Zarelli

Voting nay: Senators Hewitt, Hochstatter, Honeyford, Long, McCaslin, Morton, Roach, Sheahan, Stevens

Absent: Senator Hargrove

Excused: Senators Parlette, Poulsen, Swecker

# **ESTABLISHING THE BALLAST WATER WORK GROUP**

*Senate Bill 6538*

## **BACKGROUND**

The 2000 Legislature passed the Washington State Ballast Water Management Act and gave authority to the Department of Fish and Wildlife (WDFW) to establish a ballast water management program and to develop standards for the discharge of treated ballast water.

## **SUMMARY**

WDFW must establish and staff a Ballast Water Work Group to be chaired by the Governor's office and comprised of representatives from the commercial vessel industry and the environmental community to review all issues relating to ballast water management including exchange and treatment methods. The committee must look at the services needed by the industry and the state to protect the marine environment and review the costs and make recommendations on funding for the ballast water program. The Ballast Water Work Group expires June 30, 2004, after making its report to the Legislature, which is due December 15, 2003.

The director of WDFW must monitor the efforts of the Oregon task force examining ballast water management and give periodic updates on these efforts to the Washington Ballast Water Work Group. WDFW must consider rules when they are adopted in Oregon relating to ballast water management in the Columbia River in the state's rulemaking process.

WDFW, working with the United States Coast Guard, and the marine exchanges will cooperatively improve the ballast water information system and make recommendations no later than October 1, 2002.

## **RESOURCE IMPACTS**

The bill revises the date that ballast water must be either treated or exchanged from July 2002 to July 2004. This will prohibit the discharge of ballast that has a high risk of causing the introduction of new nonnative species.

## **FUNDING IMPACTS**

The bill provides no funding and will require existing staff to redirect time to establish and staff the Ballast Water Work Group, complete a report from the group to the Legislature by December 15, 2003, and periodically update the group on the progress of the Oregon Task Force.

## **FUNDING SOURCE**

Existing federal and state funds under the Aquatic Nuisance Species Project will be used to provide that staff.

## **COMMITTEES CREATED**

The Ballast Water Work Group will be established and staffed by WDFW.

## **WORK PLAN**

The work plan can begin immediately, since the bill has an emergency clause.

The Ballast Water Work Group will be established two weeks after the Governor signs the bill. A draft list of members has already been created.

The Director of WDFW will periodically update the Ballast Water Work Group on the progress of the Oregon Task Force.

The Ballast Water Work Group, staffed by WDFW, will provide a report to the Legislature by December 15, 2003 covering the following topics:

(a) all issues relating to ballast water technology, including exchange and treatment methods and the associated costs;

(b) the services needed by the industry and the state to protect the marine environment; and

(c) the costs associated with, and possible funding methods for implementing the ballast water program.

WDFW, working with the United States Coast Guard and the marine exchanges, will work cooperatively to improve the ballast water information system and make improvements no later than October 1, 2002.

The Department will produce a report to the Legislature on ballast treatment by December 1, 2004.

## **TIMETABLE**

The Ballast Water Work Group will be established two weeks after the Governor signs the bill. A draft list of members has already been created.

The Ballast Water Work Group will be periodically updated on the progress of the Oregon Task Force every 3 months, or as the Director deems necessary.

The Ballast Water Work Group will provide a report to the Legislature by December 15, 2003.

## LEGISLATIVE REPORTS

The bill requires the following two legislative reports:

- WDFW will produce a report to the Legislature on ballast treatment by December 1, 2004.
- The Ballast Water Work Group, staffed by WDFW, will provide a report to the Legislature by December 15, 2003

## WDFW STAFF CONTACT

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# FINAL BILL REPORT

## SB 6538

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### PARTIAL VETO

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### Synopsis as Enacted

**Brief Description:** Establishing the ballast water work group.

**Sponsors:** Senators Regala, Jacobsen and Oke.

**Senate Committee on Natural Resources, Parks & Shorelines**

**House Committee on Natural Resources**

**Background:** The 2000 Legislature passed the Washington State Ballast Water Management Act and gave authority to the Department of Fish and Wildlife to establish a ballast water reporting program and to develop standards for the discharge of treated ballast water.

**Summary:** The Department of Fish and Wildlife must work with a ballast water work group comprised of the commercial vessel industry and the environmental community to review all issues relating to ballast water technology including exchange and treatment methods. The committee must look at the services needed by the industry and the state to protect the marine environment and review the costs and make recommendations on funding for the ballast water program. The ballast water work group expires June 30, 2004, after making its report to the Legislature, which is due December 15, 2003.

The director of the Department of Fish and Wildlife must monitor the efforts of the Oregon task force examining ballast water management and give periodic updates on these efforts to the Washington Ballast Water Work Group. The department must consider rules when they are adopted in Oregon relating to ballast water management in the Columbia River in the state's rulemaking process.

The Department of Fish and Wildlife, working with the United States Coast Guard, will cooperatively improve the ballast water information system and make recommendations no later than August 1, 2002.

**Votes on Final Passage:**

Senate	43	0	
House	97	0	(House amended)
Senate	41	0	(Senate concurred)

**Effective:** June 13, 2002

**Partial Veto Summary:** The emergency clause was vetoed.

## Roll Calls on Bill 6538 (2001-02)

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Brief Description: Establishing the ballast water work group.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SB 6538  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 11  
Transcript No.: 33  
Date: 02-15-2002

Yeas: 43    Nays: 00    Absent: 01    Excused: 05

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, Winsley, Zarelli

Absent: Senator Hargrove

Excused: Senators Hewitt, Roach, Rossi, Stevens, West

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SB 6538  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 25  
Transcript No.: 51  
Date: 03-05-2002

Yeas: 97    Nays: 00    Absent: 00    Excused: 01

Voting yea: Representatives Ahern, Alexander, Anderson, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Casada, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Edwards, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Lysen, Mastin, McDermott, McIntire, McMorris, Mielke, Miloscia, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlin, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Veloria, Wood, Woods, and Mr. Speaker

Excused: Representative Armstrong

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SB 6538  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 45  
Transcript No.: 57  
Date: 03-11-2002

Yeas: 41    Nays: 00    Absent: 01    Excused: 07

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McDonald, Morton, Oke, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley, Zarelli

Absent: Senator Poulsen

Excused: Senators Brown, McAuliffe, McCaslin, Parlette, Regala, Sheldon, T., Thibaudeau



# INVASIVE AQUATIC SPECIES

## *Substitute Senate Bill 6553*

### **BACKGROUND**

The Washington State Legislature created the Invasive Aquatic Species Act in order to give the Department of Fish and Wildlife (WDFW) and other state agencies the authority to control the introduction of invasive aquatic species that damage the native environment.

### **SUMMARY**

The Legislature recognizes that the potential economic and environmental damage that can occur from the introduction of the invasive aquatic species is serious and increased public awareness of invasive aquatic species is a benefit to the state.

The WDFW Director must create a rapid response plan in cooperation with the Aquatic Nuisance Species (ANS) Committee and the other state agencies involved in invasive species management. The WDFW Director and the Chief of the State Patrol must jointly develop a plan to inspect watercraft entering the state to prevent the introduction of invasive aquatic species. The plan must be provided to the Legislature by December 2003. The Fish and Wildlife Commission is given authority

to classify nonnative aquatic animal species in various categories related to their danger to the environment. The commission is given the authority to designate by rule state waters that are infested if the Director of WDFW determines that the waters contain a prohibited aquatic animal species.

The Fish and Wildlife Commission will designate commercial shellfish species as regulated aquatic species. The Fish and Wildlife Commission may develop a work plan to eradicate native aquatic species that threaten human health upon recommendation by the Director. Plant and non-native animal species that threaten or harm human health and native plant species that displace other species, threaten natural resources or cause economic harm can be classified as an "invasive specie."

Persons may not possess, import, purchase, sell, propagate, or transport prohibited aquatic animal species in the state. Exceptions are allowed for identifying a species or reporting the presence of a species, for possessing a prohibited species while in the process of removing it from watercraft or equipment in the manner specified by WDFW, or to take the species and return it to the water from

which it came. A gross misdemeanor penalty is established.

Ballast water is excluded from the act.

## RESOURCE IMPACTS

The bill provides WDFW with greater authority to classify and regulate the release of nonnative aquatic animal species. The intent is to prevent the intentional release of a nonnative species that may become invasive.

The WDFW Director will create a rapid response plan to improve the Department's ability to eradicate new introductions, and minimize environmental and economic damage.

The Commission may designate waters as infested if the waters are found to contain a prohibited species, which will allow for actions to be taken that will minimize the risk of spread.

The Department is given clear authority to inspect watercraft for the presence of aquatic plants or prohibited species. This should increase recreational boater compliance with the section of this law that makes it unlawful to transport aquatic plants, except under certain conditions. This type of law has reduced the spread of aquatic invasive plants in other states.

## FUNDING IMPACTS

The bill provides no funding and will require existing staff to redirect time for the following tasks:

- Upon recommendation by the Director, the Fish and Wildlife Commission may classify nonnative species as either prohibited, regulated, or unregulated. This will require research on the species and the cost of rule making.
- WDFW staff will need to coordinate the creation of a rapid response plan.
- A list of waters that are infested by prohibited species may be created at the WDFW Director's request. This would require research and monitoring of lakes to determine those that contain prohibited species, and the cost of rule making.
- The WDFW Director and the Chief of the State Patrol must jointly develop a plan to inspect watercraft entering the state for the presence of invasive aquatic species. Staff will be required to facilitate this activity.
- Enforcement officers may take the time to inspect watercraft for the presence of aquatic plants. This represents a potential impact.

## **FUNDING SOURCE**

Existing federal and state funds under the Aquatic Nuisance Species Project will be used to provide staff. Efforts beyond these re-directs will require other impacts.

## **COMMITTEES CREATED**

None.

## **WORK PLAN**

A list of prohibited, regulated and unregulated aquatic animal species will be created by Department staff working with members of the ANS Committee. The list will be submitted to the WDFW Director for review, and possible submission to the Fish and Wildlife Commission for adoption.

WDFW staff working with members of the ANS Committee will create a rapid response plan. This will begin at the April 2002 meeting of the ANS Committee.

A list of waters that are infested by prohibited species will be developed by WDFW staff working with members of the ANS Committee for review by the WDFW Director and possible submission to the Fish and Wildlife Commission for adoption. This will occur upon request of the Director.

The WDFW Director and the Chief of the State Patrol will jointly develop a plan to inspect watercraft entering the state of

Washington for the presence of invasive aquatic species. This activity can begin immediately.

Enforcement officers may take the time to inspect watercraft for the presence of aquatic plants. Discussion is needed with Enforcement to plan implementation. This will begin at the April 2002 meeting of the ANS Committee.

## **TIMETABLE**

A list of prohibited, regulated and unregulated aquatic animal species will be created by department staff working with members of the ANS Committee by November 2002. The list will be submitted to the WDFW Director for review, and possible submission to the Fish and Wildlife Commission for adoption.

WDFW staff, working with members of the ANS Committee by April 2003, will create a rapid response plan.

WDFW staff working with members of the ANS Committee at the request of the WDFW Director will develop a list of waters that are infested by prohibited species. The list could be submitted to the Fish and Wildlife Commission for adoption by April 2003.

The WDFW Director and the Chief of the State Patrol will jointly develop a plan to inspect watercraft entering the state of Washington for the presence of invasive aquatic species. The plan must be

submitted to the Legislature by December 2003.

Beginning July 1, 2002, enforcement officers may take the time to inspect watercraft for the presence of aquatic plants. The WDFW ANS Coordinator will discuss the timing and implementation scope with Enforcement.

## **LEGISLATIVE REPORTS**

The WDFW Director and the Chief of the State Patrol must jointly develop a plan to inspect watercraft entering the state of Washington for the presence of invasive aquatic species. The plan shall be submitted to the Legislature by December 2003.

## **WDFW STAFF CONTACT**

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# FINAL BILL REPORT

## SSB 6553

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### Synopsis as Enacted

**Brief Description:** Enhancing regulatory capabilities to prevent invasive aquatic species.

**Sponsors:** Senate Committee on Natural Resources, Parks & Shorelines (originally sponsored by Senators Poulsen, Oke and Regala; by request of Governor Locke).

**Senate Committee on Natural Resources, Parks & Shorelines**

**House Committee on Natural Resources**

**Background:** The Washington State Legislature created the Invasive Aquatic Species Act in order to give the Department of Fish and Wildlife and other state agencies the authority to control the introduction of invasive aquatic species that damage the native environment.

**Summary:** The Legislature recognizes that the potential economic and environmental damage that can occur from the introduction of the invasive aquatic species is serious and increased public awareness of invasive aquatic species is a benefit to the state.

The director of the Department of Fish and Wildlife must create a rapid response plan in cooperation with the Aquatic Nuisance Species Committee and the other state agencies involved in invasive species management. The director of the Department of Fish and Wildlife and the Chief of the State Patrol must jointly develop a plan to inspect watercraft entering the state to prevent the introduction of invasive aquatic species. The plan must be provided to the Legislature by December 2003. The Fish and Wildlife Commission is given authority to classify nonnative aquatic animal species in various categories related to their danger to the environment. The commission is given the authority to designate by rule state waters that are infested if the director of the Department of Fish and Wildlife determines that the waters contain a prohibited aquatic animal species.

The Fish and Wildlife Commission will designate commercial shellfish species as regulated aquatic species. The commission will develop a work plan to eradicate native aquatic species that threaten human health. Plant and non-native animal species that threaten or

harm human health and native plant species that displace other species, threaten natural resources or cause economic harm can be classified as an "invasive specie." Invasive species is defined to match the federal definition.

Persons may not possess, import, purchase, sell, propagate, or transport prohibited aquatic animal species in the state. Exceptions are allowed for identifying a species or reporting the presence of a species, for possessing a prohibited species while in the process of removing it from watercraft or equipment in the manner specified by the department, or to take the species and return it to the water from which it came. A gross misdemeanor penalty is established.

Ballast water is excluded from the act.

**Votes on Final Passage:**

Senate	46	0	
House	93	0	(House amended)
Senate	43	0	(Senate concurred)

**Effective:** June 13, 2002

## Roll Calls on Bill 6553 (2001-02)

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Brief Description: Enhancing regulatory capabilities to prevent invasive aquatic species.

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SSB 6553  
Description: 3RD READING & FINAL PASSAGE  
Item No.: 14  
Transcript No.: 33  
Date: 02-15-2002

Yeas: 46    Nays: 00    Absent: 00    Excused: 03

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley, Zarelli

Excused: Senators Brown, Johnson, Stevens

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### 2002 Regular Session

Chamber: HOUSE  
Bill No.: SSB 6553  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 41  
Transcript No.: 52  
Date: 03-06-2002

Yeas: 93    Nays: 00    Absent: 00    Excused: 05

Voting yea: Representatives Ahern, Alexander, Anderson, Armstrong, Ballard, Ballasiotes, Barlean, Benson, Berkey, Boldt, Buck, Bush, Cairnes, Campbell, Carrell, Chandler, Chase, Clements, Cody, Conway, Cooper, Cox, Crouse, Darneille, DeBolt, Delvin, Dickerson, Doumit, Dunn, Dunshee, Eickmeyer, Ericksen, Esser, Fisher, Fromhold, Gombosky, Grant, Haigh, Hankins, Hatfield, Holmquist, Hunt, Hurst, Jackley, Jarrett, Kagi, Kenney, Kessler, Kirby, Lantz, Linville, Lisk, Lovick, Mastin, McDermott, McIntire, Mielke, Mitchell, Morell, Morris, Mulliken, Murray, Nixon, O'Brien, Ogden, Orcutt, Pearson, Pflug, Quall, Reardon, Roach, Rockefeller, Romero, Ruderman, Santos, Schindler, Schmidt, Schoesler, Schual-Berke, Sehlín, Simpson, Skinner, Sommers, Sullivan, Sump, Talcott, Tokuda, Upthegrove, Van Luven, Voloria, Wood, Woods, and Mr. Speaker

Excused: Representatives Casada, Edwards, Lysen, McMorris, Miloscia

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### 2002 Regular Session

Chamber: SENATE  
Bill No.: SSB 6553  
Description: FINAL PASSAGE AS AMENDED BY THE HOUSE  
Item No.: 10  
Transcript No.: 58  
Date: 03-12-2002

Yeas: 43    Nays: 00    Absent: 01    Excused: 05

Voting yea: Senators Benton, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, West, Winsley, Zarelli

Absent: Senator Brown

Excused: Senators Deccio, Kohl-Welles, Parlette, Swecker, Thibaudeau

